

Sixth Appellate District

San Jose, California

MONDAY, DECEMBER 19, 2005

H028860 In re GABRIEL G., et al.; DFCS v. STEPHANIE G.

The judgment is affirmed. (published)
(Premo, Acting P.J.; We concur: Elia, J., Bamattre-Manoukian, J.)
Filed December 19, 2005

H027805 PEOPLE v. FISHER

The judgment is affirmed. (not published)
(Premo, J.; I concur: Duffy, J.; dissenting opinion by: Rushing, P.J.)
Filed December 19, 2005

H027093 SAFECO INSURANCE COMPANY OF ILLINOIS v. ARCHITECTURAL
FACADES UNLIMITED, INC., et al.

The appeal is dismissed as untimely. The request for
sanctions is denied. (published)
(Rushing, P.J.; We concur: Premo, J., Elia, J.)
Filed December 19, 2005

H028487 PEOPLE v. CABRERA

The judgment is reversed. (not published)
(Rushing, P.J.; We concur: Mihara, J., McAdams, J.)
Filed December 19, 2005

H028520 DE SILVA v. HASHEMI, et al.

The judgment is affirmed. (not published)
(Bamattre-Manoukian, J.; We concur: Rushing, P.J., Premo, J.)
Filed December 19, 2005

H027376 HOMER J. OLSEN, INC. v. SANTA CLARA VALLEY
TRANSPORTATION AUTHORITY

The judgment is reversed and the matter is remanded to the
trial court for the limited purpose of conducting further
proceedings regarding the release of the remaining retention
securities after claims decided in favor of VTA at trial have
been satisfied. The court shall then enter an amended judgment
that includes the order regarding the release of the retention
securities. The parties are to bear their own costs on appeal.
(not published)
(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., McAdams, J.)
Filed December 19, 2005

Sixth Appellate District

San Jose, California

Monday, December 19, 2005(continued)

H027684 KADAS v. GREENWOOD CHEVROLET, et al.

By the Court:

Upon the court's own motion, the submission order in the above-entitled matter is hereby vacated. The court by separate letter issued December 19, 2005, has requested supplemental briefing from the parties. The cause will be resubmitted upon completion of supplemental briefing.

Dated: December 19, 2005 Bamattre-Manoukian, Acting P.J.

TUESDAY, DECEMBER 20, 2005

The following cases are submitted this date:

H029026 D.F.C.S. v. REGINA P., et al.

H028740 PEOPLE v. O'BRIEN

H028590 PEOPLE v. TALAVERA

H028821 PEOPLE v. LE

H028847 PEOPLE v. GRADY

H029166 D.F.C.S. v. CHERYL S.

H028501 NAKAI v. WHITE

The order filed January 6, 2005 is affirmed. (not published)
(Premo, Acting P.J.; We concur: Elia, J., Bamattre-Manoukian, J.)
Filed December 20, 2005

H028376 PEOPLE v. BI

The judgment is reversed. (not published)
(Mihara, J.; We concur: Elia, Acting P.J., McAdams, J.)
Filed December 20, 2005

H028333 STEWART v. PRESTON PIPELINE INC. et al.

The judgment is affirmed. (published)
(Duffy, J.; We concur: Rushing, P.J., Premo, J.)
Filed December 20, 2005

Sixth Appellate District

San Jose, California

Tuesday, December 20, 2005 (continued)

H028914 PEOPLE v. VASQUEZ

The \$800 restitution and suspended parole revocation restitution fines are ordered stricken. The judgment is modified to reflect the restitution fine of \$200 originally imposed under section 1202.4, subdivision (b) in this case. The judgment is also modified to reflect a \$200 parole revocation restitution fine (under § 1202.45), which is suspended unless parole is revoked. As so modified, the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment consistent with the foregoing and deliver it to the Department of Corrections. (not published)

(Duffy, J.; We concur: Rushing, P.J., Premo, J.)

Filed December 20, 2005

WEDNESDAY, DECEMBER 21, 2005

H026757 AJAXO, INC. v. E*TRADE GROUP, INC., et al.

H027383 AJAXO, INC. v. E*TRADE GROUP, INC., et al.

With respect to the trial court's grant of nonsuit on damages for misappropriation of Ajaxo's trade secret by E*Trade and Everypath, the judgment is reversed and the case is remanded to the trial court for a new trial on damages. In all other respects, the judgment is affirmed. The parties are to bear their own costs on appeal. (published)

(Elia, J.; We concur: Rushing, P.J., Premo, J.)

Filed December 21, 2005

H028424 IN RE J.W., et al.; DFCS v. PAUL W.

The juvenile court's order of January 11, 2005, is modified, nunc pro tunc, by striking the following language: "Prior to consideration of reinstating visitation between [Paul] and any of the children, he shall successfully complete the following: [¶]

a. A psychological evaluation with [the Department] to assess visitation and family dynamics. [¶] b. A program of counseling from the recommendations of the psychological evaluation." As so modified, the order is affirmed. (not published)

(McAdams, J.; We concur: Elia, Acting P.J., Mihara, J.)

Filed December 21, 2005

H028146 YIELD DYNAMICS, INC. v. ZAVECZ; ZAVECZ

The judgment is affirmed. (not published)

(McAdams, J.; We concur: Mihara, Acting P.J., Duffy, J.)

Filed December 21, 2005

Sixth Appellate District

San Jose, California

Wednesday, December 21, 2005 (continued)

H028585 YIELD DYNAMICS, INC. v. ZAVECZ

The order granting YD's motion to lift the stay and ordering assignment and cancellation of Terrence Zavec's shares is affirmed. (not published)

(McAdams, J.; We concur: Mihara, Acting P.J., Duffy, J.)

Filed December 21, 2005

H028413 PEOPLE v. CHAVEZ

The judgment is affirmed. (not published)

(Duffy, J.; We concur: Rushing, P.J., Premo, J.)

Filed December 21, 2005

THURSDAY, DECEMBER 22, 2005

H026552 PEOPLE v. RUEZGA

(Filed order modifying opinion.) There is no change in the judgment. Appellant's petition for rehearing is denied. (not published)

(Rushing, P.J.; I concur: Elia, J.)

Filed December 22, 2005

H028344 LAW OFFICES OF LINDA SHAO, et al. v. CHANG

The order denying the petition to vacate the arbitration award is affirmed. (not published)

(Rushing, P.J.; We concur: Premo, J., Bamattre-Manoukian, J.)

Filed December 22, 2005

H027335 AUZIOUS, INC., et al., v. MANATT, PHELPS, PHILLIPS, LLP

The order granting nonsuit is reversed and the matter remanded for a new trial. (not published)

(Rushing, P.J.; We concur: Premo, J., Elia, J.)

Filed December 22, 2005

H028512 PEOPLE v. WARD

We strike the attorney's fees order and order modification of the probation order to reflect that the court, not the probation officer, will make the restitution determination. As so modified, the judgment is affirmed. (not published)

(Mihara, J.; We concur: Rushing, P.J., McAdams, J.)

Filed December 22, 2005

Sixth Appellate District

San Jose, California

Thursday, December 22, 2005 (continued)

H026954 BUDGET RENT A CAR CORPORATION v. JOHN R. WILLIAMS

By the Court*:

Appellants' petition for rehearing is denied.

Filed: December 22, 2005

*Before Rushing, P.J., Premo, J. and Elia, J.

The following case is submitted this date:

H029072 SANTA CRUZ COUNTY HRA v. CLAUDIA R.

H028777 PEOPLE v. MATTHEWS

By the Court:

Upon the court's own motion, the submission order in the above-entitled matter dated October 7, 2005, is hereby vacated.

The court by separate letter issued December 22, 2005, has requested supplemental briefing from the parties. The cause will be resubmitted upon completion of supplemental briefing.

Dated: December 22, 2005 Rushing, P.J.

FRIDAY DECEMBER 23, 2005

(no minute approved orders)